



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

**JUN 9 2009**

**MEMORANDUM**

**TO** The Commission

**FROM** Gregory R. Baker  
Special Counsel  
Complaints Examination and  
Legal Administration

**BY** Jeff S. Jordan *J.S.J.*  
Supervisory Attorney

**SUBJECT** Notice of Erratum for MUR 6132

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This Office has noted that the language used on page 2, line 21, of the General Counsel's Report concerning the small amount of the expenditures in this case may be subject to a misinterpretation (i.e., the total costs were \$3,000, while the Committee claims only \$1,000 was dedicated to the federal portion of the expenditure) as to the exact amount potentially involved in the alleged violation. Therefore, we have deleted the text referring to the expenditures, as follows:

"Given the relatively small amount of the expenditures involved in this matter, along with the Commission's priorities and resources, and relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss this matter."

We apologize for the inconvenience. If you have any questions please feel free to contact me on extension 1552.

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at the bottom of the page "Paid for by QACty Democratic Central Committee, Nancy Hagman, Treasurer "

In response, the Committee first asserts that the complainant's reference to "authority line" is a reference to Maryland state law and does not implicate the Federal Election Campaign Act of 1971, as amended ("the Act") Second, addressing the issue of whether the Committee's payments for the advertisements triggered political committee status, as set forth in 2 U S C § 431(4)(C), the Committee advises that the total cost of the advertisements was approximately \$3,000 and that they promoted the election of Democratic candidates generally, with no more than one-third to one-half of each advertisement expressly advocating the election of Mr Obama to the presidency Therefore, according to the Committee, the portion of its disbursement that constituted an expenditure was either below the \$1,000 expenditure threshold or exceeded the threshold by a *de minimus* amount

The focus of the complaint concerns the appropriateness of the Committee's disclaimer The Committee acknowledged in its response that the advertisements "arguably" contained express advocacy Moreover, it appears that the advertisements ran in three different newspapers Thus, the advertisements potentially could be characterized as a form of "public communication," under 11 C F R § 100.26 Therefore, the advertisements may have required an appropriate federal disclaimer, which would have noted that the federal candidate did not authorize the advertisements See 2 U S C §§ 441d(a) and (c), and 11 C F R §§ 110.11(a)-(c)

Given the relatively small amount of the expenditures involved in this matter, along with the Commission's priorities and resources, and relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should

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